

OFFICIAL

## WOOD, HERRON &amp; EVANS, L.L.P.

BRUCE TITTEL  
 DONALD F. FREI  
 DAVID J. JOSEPHIC  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
 THOMAS J. BURGER  
 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUP  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN  
 BEVERLY A. LYMAN, PH.D.

OF COUNSEL  
 JOHN D. POFFENBERGER  
 THOMAS W. FLYNN

2700 CAREW TOWER  
 441 VINE STREET  
 CINCINNATI, OHIO 45202-2917  
 TELEPHONE: 513-241-2324  
 FACSIMILE: 513-241-6234  
 EMAIL: info@whepatent.com  
 PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION  
 EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1978  
 EDWARD B. EVANS 1936-1971

RECEIVED  
CENTRAL FAX CENTER

MAY 19 2004

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD  
 DWIGHT POFFENBERGER, JR.  
 KATHRYN E. SMITH  
 KRISTI L. DAVIDSON  
 P. ANDREW BLATT, PH.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, PH.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 SARAH OTTE GRABER  
 WESLEY L. STRICKLAND (VA, DC BAR ONLY)  
 STEVEN W. BENINTENDI, PH.D.

TECHNICAL ADVISORS  
 HENRY M. LABODA, PH.D.

May 19, 2004

## FACSIMILE COVER SHEET

To: Jordan M. Lofdahl  
 Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Fax: 703-872-9306

Enclosures:  
 Fax Cover Sheet containing Certificate of  
 Facsimile Transmission (1 page)  
 Response to Restriction Requirement  
 containing Certificate of Facsimile  
 Transmission (2 pages)

From: Douglas A. Scholer  
 Reg. No. 52,197  
 Re: US Application  
 Serial No.: 10/700,412  
 Filed: November 4, 2003  
 Applicant: Robert McClure et al.  
 Art Unit: 3644  
 Confirmation No.: 5783  
 Our Ref.: DBS-02  
 Pages: 3 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIALCERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (3 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Jordan M. Lofdahl, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on May 19, 2004.

Judith L. Volk

Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

RECEIVED  
CENTRAL FAX CENTER

MAY 19 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence and the enclosures noted herein (3 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Jordan M. Lofdahl, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on May 19, 2004.

*Judith L. Volk*  
Judith L. Volk

*May 19, 2004*  
Date

**OFFICIAL**

PATENT

DBS/02  
Confirmation No. 5783

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Robert McClure et al.	Art Unit:	3644
Serial No.:	10/700,412	Examiner:	Jordan M. Lofdahl
Filed:	November 4, 2003	Atty. Docket No.:	DBS/02
For:	POSITIONAL BLASTING SYSTEM		

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is submitted to reply to the Office Action dated April 19, 2004, within the one-month period for response. In the Office Action, the Examiner subjected claims 1-69 to restriction, and more particularly, grouped the claims as follows:

Group I (Claims 1-9, drawn to a blasting system);

Group II (Claims 10-24, drawn to a method of preparing a detonator and discharging charges); and

Group III (Claims 25-28, drawn to a program product).

Applicants elect Group I (claims 1-9) with traverse. Applicants respectfully disagree that Groups I, II, and III are patentably distinct, and therefore, traverse the election requirement.

Page 1 of 2  
Serial No. 10/700,412  
Response to Restriction Requirement dated May 19, 2004  
In Response to Restriction Requirement of April 19, 2004  
WHA&E DBS/02  
KADBA&E Response to Restriction Requirement.wpd

Applicants assert a relationship is disclosed between Groups I, II, and III for the reasons discussed and advanced as follows:

As recited in the claims and supported in the specification, the invention includes a system for detonating a plurality of charges. As recited in each independent claim of Groups I, II, and III, the invention relies on blasting information automatically determined using a programming unit/positional device. The claims of Groups I, II, and III recite similar such functionality, among other common features. As dictated by these common features, all embodiments of the invention claimed in Groups I, II, and III rely on similar modes of operation, function, and affect.

Early and favorable examination on the merits is respectfully requested upon receipt and entry of this Amendment.

If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

5/19/04  
Date



Douglas A. Scholer  
Reg. No. 52,197  
WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
(513) 241-2324